

### **REMARKS**

Claims 1-17 are pending in the application. Claims 11, 14 and 16 have been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

#### ***I. REJECTION OF CLAIMS 11, 14 AND 16 UNDER 35 USC §101***

Claims 11, 14 and 16 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. More particularly, the Examiner indicates that claims 11, 14 and 16 do not refer a computer-readable medium and suggests that the claims be amended accordingly.

Applicant has adopted the Examiner's suggestions and amended claims 11, 14 and 16. In view of such amendments, withdrawal of the rejection is respectfully requested.

#### ***II. REJECTION OF CLAIMS 1-17 UNDER 35 USC §102(e)/103(a)***

Claims 1-7 and 10-17 stand rejected under 35 USC §102(e) based on *Sasaki et al.* Remaining claims 8-9 are rejected under 35 USC §103(a) based on *Sasaki et al.* Applicant respectfully traverses each of these rejections for at least the following reasons.

Referring to claim 1, for example, a data processor is defined which includes a receiving section for receiving video data and audio data and a compressing section for generating encoded data, complying with the MPEG-2 system standard, by encoding the video data and the audio data received. Moreover, the data processor includes an auxiliary information generating section for generating auxiliary information, which includes reference information to make reference to the encoded data and attribute information that uses a video object unit (VOBU) of the encoded

data as a sample unit and that describes an attribute of the sample unit. The data processor additionally includes a writing section for writing the encoded data and the auxiliary information on a storage medium as a data file and an auxiliary information file, respectively, and the encoded data is decodable by either the auxiliary information file or the MPEG-2 system standard.

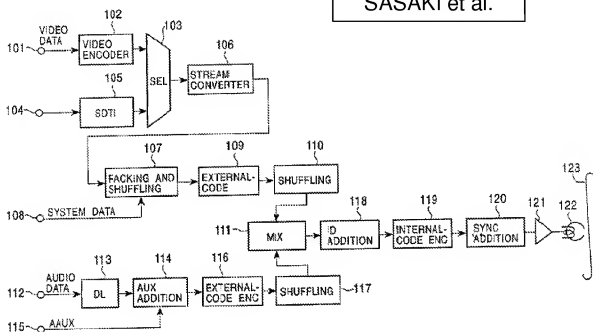
Accordingly, applicant notes that a feature of the present invention is that the encoded data, complying with the MPEG-2 system standard, is recorded on the storage medium together with the auxiliary information generated by the auxiliary information generating section. Since both the encoded data and the auxiliary information are present on the storage medium, the data read from the storage medium remains compatible with the conventional format (i.e., MPEG-2), and may also be reproduced in accordance with the updated standard of today (e.g., MPEG-4) using the auxiliary information. (See, e.g., Specification, page 68, lines 6-15).

In other words, the present invention involves storing the conventional format data and auxiliary information as separate files on the storage medium such that the conventional format data may be reproduced individually in accordance with the conventional standard (e.g., MPEG-2), or in combination with the auxiliary information in accordance with the updated standard (e.g., MPEG-4). (See, e.g., Fig. 21). Remaining independent claims 10, 13, 14 and 17 recite similar features.

*Sasaki et al.* relates to the provision of a shuffling table memory in which shuffling tables are stored for performing shuffling in accordance with different formats. As is described in the background section of *Sasaki et al.*, shuffling involves rearranging data in an order different from the original order. Shuffling is performed for reasons such as dispersing a burst error, allowing conceal processing and/or making a reproduced image easier to see in a speed-chain reproduction.

FIG. 1

SASAKI et al.



Referring to Fig. 1 of *Sasaki et al.* (reproduced above), for example, MPEG-2 data is output by a video encoder 102. The MPEG-2 data is then converted and rearranged by a stream converter 106 and subsequently packed and shuffled by packing and shuffling section 107. ECC coding is then provided by external-code encoder 109, and the ECC blocks are rearranged by the shuffling section 110 prior to being mixed with similarly shuffled audio data and subsequently recorded on magnetic tape 123.

Applicant respectfully submits that to the extent *Sasaki et al.* may generate auxiliary information in connection with the use of the shuffling table memory, the converted and shuffled data as recorded on the tape 123 is no longer in MPEG-2 format. Consequently, a conventional MPEG-2 reproduction apparatus would be unable to decode the information stored on the tape 123 unless the apparatus is equipped with a decoder as described in *Sasaki et al.* with respect to Fig. 2. *Sasaki et al.* illustrates in Fig. 2 how the data read from the tape 123 must be separated,

deshuffled, depacked, etc., which clearly is not in accordance with the MPEG-2 system standard as recited in claims 1, 10, 13, 14 and 17.

Thus, according to the claimed invention the encoded data generated by the compressing section complies with the MPEG-2 system standard. The writing section then writes the encoded data (which complies with the MPEG-2 system standard as noted above) on a storage medium as a data file separate from the auxiliary information file. As a result, the encoded data is decodable by either the auxiliary information file (which includes reference information and attribute information relating to the encoded data) or the MPEG-2 system standard.

The data recorded on the tape 123 in *Sasaki et al.* does not comply with the MPEG-2 system standard as noted above. The data as read from the tape 123 in *Sasaki et al.* is not decodable by the MPEG-2 system standard. Thus, the system in *Sasaki et al.* is unable to provide the advantages of the present invention whereby the data may be reproduced by either a conventional MPEG-2 reproduction apparatus or a more current standard such as MPEG-4.

For at least the above reasons, applicant respectfully submits that *Sasaki et al.* does not teach or suggest each and every feature of the invention as recited in claims 1, 10, 13, 14 or 17, or the claims dependent therefrom. Applicant respectfully requests that the rejections be withdrawn.

### **III. CONCLUSION**

Accordingly, all claims 1-17 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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